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International Court of Justice

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INTERNATIONAL MILITARY TRIBUNAL

I, DAVID PATRICK MAXWELL FYFE, hereby

certify that the document annexed hereto and numbered D.641

DPNF are official British Governmental documents

~~a report of the United Nations,~~

DPNF ~~an act or document of a committee set up for the investigation of war crimes,~~

~~a record or finding of a Tribunal of the United Nations,~~

within the meaning of Article 21 of the Charter of the International Military Tribunal.

and documents made by a person in the employment of the British Government in the ordinary course of his duties, and that such person was in a position and under a duty to make all reasonable investigations relating to the subject matter thereof.

(signed) D. P. M. Fyfe

(date) 10th January, 1946

(strike out and initial all words not applicable).

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D 641/c

Trade Division,

Admiralty,

S.W.1.

Sinkings by U-Boats during the war, 1939-1945:-

2,775 British, Allied and Neutral Ships totalling
14,572,435 Gross Tons

I, Captain (S) Reginald Patrick Mac~~k~~Kenzie, R.N. (Retd.) in charge of Statistical Section of Trade Division of the Admiralty, hereby certify that the above figures are true and correct according to the information and records available in the Admiralty.

Captain (S) R.N.

27.12.45.

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WAR (GENERAL). October 8, 1940.

CONFIDENTIAL. SECTION 1.

[W 11066/424/49] Copy No. 96

German Attacks on Merchant Shipping, September 3, 1939, *to September* 1, 1940.

AFTER twelve months of the war, it may be convenient to review the course of the warfare on the sea, in so far as it affects merchant shipping, both Allied and neutral. The blockade is one of the vital factors on which each side rests its hopes—Germany and Italy on the so-called total blockade of Britain, and the Allies on their blockade of Germany and Italy, and German-occupied countries. The Germans have always recognised not only the strategical, but also the psychological, importance of both blockades, and have made them one of the chief planks of their propaganda platform; we, on the other hand, have perhaps tended to ignore their publicity value. Nevertheless, although this paper is not written for propaganda purposes, the conclusion to which it inevitably tends is that there is perhaps no field of warfare in which British and German methods have been shown up in greater contrast.

During the first twelve months of the war 2,081,062 tons of Allied(1) shipping, comprising 508 ships, have been lost by enemy action. In addition, 769,213 tons of neutral shipping, comprising 253 ships, have also been lost. Nearly all of these merchant ships have been sunk by submarine, mine, aircraft or surface craft, and the great majority of them sunk while engaged on their lawful trading occasions. 2,836 Allied merchant seamen have lost their lives in these ships. In the same period the Germans have lost 184 ships, including some Dutch and Norwegian, but, as German overseas trade, except in the Baltic, ceased on the outbreak of war, nearly all this shipping was either captured in the early stages of the war or sunk while being used for military purposes.

In addition to the tonnage actually sunk by the Germans, a great many ships have been subjected to illegal attacks, both by submarines and even more from the air, which did not result in sinkings.

So many ships have been sunk and so many lives lost that it is almost natural to overlook the facts that it is not the normal thing in time of war for a merchant vessel to be sunk by an enemy warship, and that merchant sailors are non-combatants and entitled to be treated as such. It will perhaps not come amiss to state very briefly the true position.

It has been well settled for some 300 years that a warship of a belligerent Power is entitled to capture an enemy merchant vessel and bring it into port in order that a Prize Court may adjudicate and, if proper, condemn the cargo and vessel. As regards neutral vessels, in order to ascertain whether she appears to be carrying contraband, belligerent warships are given the right of visit and search; if carrying contraband, the neutral is liable to capture, and then, in certain circumstances, to confiscation by the Prize Court. It is plain, therefore, that the first right of a warship against a merchantman, whether belligerent or neutral, may be the right of capture.

It has long been a disputed question whether a warship is ever entitled to destroy a merchantman after capture, and, if so, in what circumstances. Strictly, property in the captured vessel is not vested in the belligerent's hands until she has been condemned by the Prize Court, and therefore he is not entitled to destroy her. This has always been the British view, even where condemnation of the vessel was certain, and our rule has been that a prize must be abandoned if it could not be brought into the port of a Prize Court. Many other States, however, hold that destruction might be allowed if capture was justified, and the unratified Declaration of London, 1909, was a compromise between these views. By that declaration destruction of a prize was allowed only in exceptional cases where it would endanger the captor, or his operations at the time of capture, to bring

(1) "Allied" in this paper includes British.

INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
GB Exhibit 191
Filed Jan-14,1946

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the vessel into port, and then only where it was certain that she would be condemned by Prize Court.

Whatever conclusion one comes to on this question, one thing is certain: namely, apart from vessels sailing in declared war zones, destruction of a merchant vessel is envisaged to take place, if ever, *only* after capture. The only exception to this rule is where destruction is necessary to overcome forcible resistance to the right of visit and search. Ships sailing in enemy convoys are usually deemed to be guilty of forcible resistance, and therefore liable to be sunk forthwith. As a corollary of the rule, it follows that, except in the case of convoys, no merchantman may be sunk without at least being given a chance by the detaining warship of submitting to the necessity of visit and search.

This procedure has always been recognised in principle, if not in practice. In the last war the practice of the Central Powers was so remote from the recognised procedure that it was thought necessary to set forth once again the rules of warfare in particular as applied to submarines. This was done in the Treaty of London, 1930, and in 1936 Germany acceded to these rules. The rules laid down :—

(1) " In action with regard to merchant ships, submarines must conform to the rules of international law to which surface vessels are subjected."

(2) " In particular, except in the case of persistent refusal to stop on being summoned, or of active resistance to visit and search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety, unless the safety of the passengers and crew is assured in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board."

At the beginning of the present war Germany issued a Prize Ordinance for the regulation of sea warfare, and the guidance of her naval officers. Article 74 of this ordinance embodies the submarine rules of the London Treaty. Article 72, however, provides that captured enemy vessels may be destroyed if it seems inexpedient or unsafe to bring them into port, and article 73 (i) (ii) makes the same provision with regard to neutral vessels which are captured for sailing under enemy convoy, for forcible resistance or for giving assistance to the enemy. These provisions are certainly not in accordance with the traditional British view, but the important point is that, even in these cases, the Prize Ordinance envisages the capture of the merchantman before its destruction. In other words, if the Germans adhered to the rules set out in their own Prize Ordinance, we might have argued the rather fine legal point with them, but we should have had no quarrel with them, either on the broader legal issue or on the humanitarian one. In the event, however, it is only too clear that almost from the beginning of the war the Germans abandoned their own principles and waged war with steadily increasing disregard for international law, and for what is, after all, the ultimate sanction of all law : the protection of human life and property from arbitrary and ruthless attacks.

It will now perhaps be convenient to examine German attacks under various headings.

A.—*On Neutrals.*

Records here are necessarily scanty and incomplete. Although 253 neutrals were sunk, sufficient facts are known in less than half that number of cases to enable an opinion to be formed as to the legality or otherwise of the attack. However, it will be pretty safe to assume that nearly all the sinkings after the first month of the war were illegal, except for those which occurred in British convoys, and which total five for the whole year.

At any rate, it is possible to say that a *prima facie* case of illegality might be made out in at least fifty cases of attacks by submarines and in some twenty cases of attacks by aircraft. As regards mining, it is known that seventy-nine neutral ships have been sunk by these means. Here the evidence is necessarily even more incomplete than in the case of sinkings by submarine, because in the nature of things it is usually impossible to prove, where a mine has exploded,

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whether it was British or German. The great majority of neutral ships which were mined were sunk in the main highways of British trade, and close to places where British ships either had been or were to be sunk. It does not, therefore, seem likely that the mines which sunk them were British.

During the first month of the war German submarines stopped a certain number of neutrals, mostly in the Baltic or its approaches, and sank them after due warning and with some provision for the safety of the crews. Such sinkings were those of the Swedish ships *Nyland* and *Silesia*, the Finnish *Martti Ragnar* and *Walma*, and Norwegian *Jern*, &c. Although certainly illegal according to the British view, these sinkings might be justified on the basis of the German Prize Ordinance; they do not, however, amount to a dozen in all.

On the 30th September, 1939, came the first sinking of a neutral ship by a submarine without warning and with loss of life. This was the Danish ship *Vendia*, bound for the Clyde in ballast. The submarine fired two shots and shortly after torpedoed the ship. The torpedo was fired when the master had already signalled that he would submit to the submarine's orders and before there had been any opportunity to abandon ship. By November submarines were beginning to sink neutral vessels without warning as a regular thing. On the 12th November the Norwegian *Arne Kjöde* was torpedoed in the North Sea without any warning at all. This was a tanker bound from one neutral port to another. The master and four of the crew lost their lives and the remainder were picked up after many hours in open boats. Henceforward, in addition to the failure to establish the nature of the cargo, another element is noticeable, namely, an increasing recklessness as to the fate of the crew.

As regards aircraft attacks, these only began to be frequent in January 1940, but they are particularly unscrupulous, in that even if not primarily directed against the crew of the ship attacked (as in many instances they undoubtedly were), they inevitably involved danger for the crew and never took into account the provisions of international law for the capture of merchant ships.

B.—*On Allied Merchant Vessels.*

1. *Submarine and Surface Craft.*—It is necessary to bear in mind the difference between the German and the British views of the legality of destruction after capture when reckoning up the total number of illegal sinkings. In a certain number of early cases the German commander allowed the crew of the merchant vessel to get clear, and even made some provision for them before he destroyed the vessel. Such destruction was in accordance with article 72 of the Prize Ordinance, and, therefore, for the purpose of this paper, the Germans have been given the benefit of the doubt in such cases. It has seemed better not to obscure the gravity of the charges against them by anything in the nature of legalistic controversies. There are only thirty such cases on record, and they include eight ships sunk by the *Graf Spee*. The following are the figures on record :—

Ships sunk	241
Recorded attacks	221
Illegal attacks	112

(At least 79 of these 112 ships were torpedoed without warning. This does not, of course, include convoyed ships.)

2. *Mines.*—One hundred and twenty-four Allied ships have been sunk by mines. These sinkings are probably all illegal, since they took place outside minefields notified by the Germans.

3. *Aircraft.*—As regards air attacks it is believed that there are many which have not been reported. It is known that 108 Allied ships have been sunk by enemy aircraft. The ratio of sinkings to attacks is roughly as 1 : 7 amongst those of which there is a record. The calculation on this basis, therefore, would give a figure of over 700 air attacks on Allied merchant vessels. If this is the correct figure there are nearly 300 unrecorded attacks. The figures are as follows :—

Ships sunk	108
Recorded attacks	425
Illegal attacks	300

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C.—*On Lightships, &c.*

Particulars of the following attacks have been recorded :—

I. *January* 9, 1940.—Trinity House tender *Reculver* machine-gunned and bombed. While the ship was disabled, another attack was made, a bomb dropped amidships, and the decks machine-gunned. One officer was killed and 32 lightshipmen injured. She was flying a Trinity House ensign 8 feet long.

II. *January* 11, 1940.—Lightship 87. One German aircraft circled the ship and machine-gunned it from 100 feet and dropped two bombs. The plane then came back and machine-gunned from the other side. In order that the Germans should not be able to say that lightships were acting as reporting lookouts and use this as an excuse for further attacks on lightships, the master did not even send out an S.O.S.

III. *January* 12, 1940.—Lightship 85. Bombed and machine-gunned. After the first attack an S.O.S. was sent out and at once a second attack with bombs and machine guns was made.

IV. *January* 29, 1940.—East Dudgeon Lightship. Machine-gunned from about 80 feet and seven bombs dropped. The vessel began to fill and the crew took to the boat. There was a strong wind with snow squalls and a rough sea. They rowed for five or six hours until it was dark. The boat was overturned by the waves and only one of the crew of eight was saved.

V. *January* 30 *and February* 3, 1940.—Humber Lightvessel machine-gunned.

VI. *January* 30, 1940.—Edinburgh Lightvessel 86 machine-gunned.

VII. *January* 30, 1940.—Barrow Deep Lightvessel machine-gunned.

VIII. *March* 6 *and March* 17, 1940.—Outer Dowsing Lightvessel bombed.

IX. *July* 3, 1940.—Trinity House relief ship *Vestal* bombed and machine-gunned from 100 feet.

X. *July* 24, 1940.—Trinity House relief ship *Alert* bombed and machine-gunned. Four injured by machine-gun bullets. The words "Lighthouse Service" were painted on the ship's sides in 2-foot letters.

XI. *August* 14, 1940.—South Folkestone Gate Lightvessel 75 machine-gunned and bombed; vessel sank. Two killed and four injured out of the crew of seven.

D.—*On Hospital Ships.*

Eleven British hospital ships have been attacked on numerous occasions by German submarines, aircraft, and shore batteries. Three—*The Maid of Kent*, *The Brighton*, and the *Paris*—have been sunk, the first two in Dieppe harbour, while the third was bombed on passage from the Downs to Dunkirk in circumstances that leave no doubt that there was a deliberate intention to sink a hospital ship.

These figures and facts constitute the bare bones of the case against the Germans; when the details are added, the completed case becomes a horrifying indictment of German methods. Nevertheless, the Germans have attempted to justify themselves by a series of arguments, some more and some less ingenious. It would be wearisome to recount them all, but the following is a selection of those seemingly most in favour :—

(1) German sea warfare is designed only to prevent the same goods going into England as England tries to prevent from reaching Germany. The answer to this is that Germany has sunk many neutral ships which were bound from one neutral port to another and many Allied ships outward-bound from the United Kingdom.

(2) German sea warfare is designed as a reply to the British Reprisals Order of the 27th November, 1939, restricting German exports. The Germans had already before that date illegally sunk at least 36 Allied and neutral ships by submarine and 45 by mine.

(3) The Germans are entitled to sink neutrals in enemy coastal waters, because they are in a theatre of war just as much as a private carriage which is driven between the Maginot and the Siegfried Lines. Here, of course, the analogy is wholly false; it cannot be said that either coastal waters or the open sea are no man's land; on the contrary, they are the recognised highways of shipping, and it is absurd to pretend that a neutral using them is responsible if he stops a torpedo.

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(4) The Germans are entitled to sink armed merchantmen without warning. The answer to this is twofold : (*a*) an overwhelming weight of authority recognises that defensive armament in no way alters the legal status of a merchant vessel; (*b*) out of the 13 British merchant vessels torpedoed without warning in the first three months of the war, 11 were unarmed. In all 24 unarmed Allied ships have been torpedoed without warning (exclusive of those in convoy). None of the neutrals sunk were armed.

(5) The British blockade is directed against the civilian population. This is perhaps the most familiar argument of them all; but whatever may be its merits in fact it can hardly justify the sinking of merchant vessels and killing of their crews without any previous declaration by the German Government. The German "Total Blockade" was first declared on the 17th August, 1940.

It may be noted that the Germans have shifted their standpoint several times as the war progresses. Precept and practice ran on parallel lines, but practice has always tended to outrun official precept. Thus the Germans started with the Prize Ordinance, which was at any rate a clear, reasonable and not inhumane document. German submarine commanders, with some exceptions, behaved in accordance with its provisions during the first month of the war. Indeed, in one case, a submarine had ordered the crew of a trawler to take to their boat as the ship was to be sunk, but when the commander saw the state of the boat, he said : "Thirteen men in that boat! You English are no good, sending a ship to sea with a boat like that." And the skipper was told to re-embark his crew on the trawler and make for home at full speed with a bottle of German gin and the submarine commander's compliments.

Such an incident only makes the rest of the tale more damning. If submarine commanders, unhampered by counter-orders, could and did behave like this at the beginning, why did they not keep up this standard of behaviour throughout? By the middle of October submarines were sinking merchant vessels without any regard for the safety of the crews. Yet four months later the Germans were still officially claiming that they were acting in accordance with their Prize Ordinance, Their own semi-official commentators, however, had made the position clearer. As regards neutrals, Berlin officials had early in February stated that any neutral ship that is either voluntarily or under compulsion bound for any enemy port—including contraband control harbours—thereby loses its neutrality and must be considered hostile. At the end of February the cat was let out of the bag by a statement that a neutral ship which obtained a navicert from a British Consul in order to avoid putting into a British contraband control base was liable to be sunk by German submarines, even if it was bound from one neutral port to another. As regards Allied ships, in the middle of November 1939, a Berlin warning was issued against the arming of British vessels. By that date a score of British merchantmen had been illegally attacked by gunfire or torpedo from submarines, and after that date some fifteen more unarmed Allied vessels were torpedoed without warning. It is clear, therefore, that not only was the arming fully justified as a defensive measure, but also that neither before nor after this German threat did the German submarines discriminate between armed and unarmed vessels.

As regards the total blockade, though this comes into the period under review it scarcely affects it in practice, since the declaration was made only a fortnight before the end of the twelve months. The total blockade was declared by Germany to be a reprisal for a number of illegal acts said to be committed by us, beginning with the British "hunger blockade" and ending with the introduction of compulsory navicerts. The total blockade is perhaps a misnomer; as a measure it is comparable to the German declaration of a war zone round Britain in February 1915. It is submitted that, apart from the question whether any reprisal would be justified on the grounds set out by the Germans, this particular reprisal cannot be justified because it transgresses one of the main principles of legitimate reprisals, namely, that a reprisal must not inflict upon neutrals a degree of hardship and inconvenience which is unreasonable in the circumstances.

To sum up, therefore, the analysis of the evidence shows a rapid deterioration in the methods of German sea warfare and a steady increase in lawlessness and inhumanity. In fact, of course, the aim of the Germans may be expressed in one word : terrorisation. Whether the fault lay with submarine commanders, who became increasingly uneasy in the knowledge that they were being hunted by the Royal Navy or whether it lay with the Nazis at home whose one object was to

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force all neutral and Allied shipping from the seas by gangster methods, it is impossible to say with certainty. What is certain is that long before the end of the first year of war the Germans had departed very far from the principles laid down in their Prize Ordinance. When the German methods are contrasted with the British system of contraband control stations and navicerts, the full extent of the difference between the German and British attitudes is apparent. However irksome neutrals may find our system, at least it preserves their shipping intact and their crews alive, instead of sending the vessels to the bottom of the sea and setting the men adrift, maybe 200 miles from land in a mid-Atlantic gale. The fundamental difference between the two methods is that the one conforms to a clearly defined and enunciated principle of law, while the other knows no principle but that of expediency. As the Berlin spokesman who claimed the right to sink neutrals with navicerts remarked : " We shall break the British blockade one way or another." One way or another : that is the voice of the gangster.

ROGER ALLEN.

Foreign Office, October 8, 1940.

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WAR (GENERAL). March 10, 1941.

CONFIDENTIAL. SECTION 1.

(16006)

[W 2946/297/49] Copy No. 112

Enemy Attacks on Merchant Shipping, September 1, 1940–*February* 28, 1941.

ON the 30th January, 1941, Hitler proclaimed that "every ship, with or without convoy, which appears before our torpedo tubes is going to be torpedoed." On the face of it, this announcement appears to be uncompromising; and the only qualification provided by the context is that the threats immediately preceding it are specifically addressed to the peoples of the American Continent. German commentators, however, subsequently tried to water it down by contending that Hitler was referring only to ships which attempted to enter the area within which the German "total blockade" is alleged to be in force.

From one point of view it probably matters little what exactly was Hitler's meaning, since the only conclusion that can be reached after a study of the facts of enemy warfare on merchant shipping is that enemy action in this field is never limited by the principles which are proclaimed by enemy spokesmen, but solely by the opportunities (or lack of them) which exist at any given time. Thus, as a previous paper on this subject has shown, the Germans, in utter disregard not only of international law but also of their own rules as set out in their Prize Ordinance, were regularly sinking merchant shipping, neutral as well as Allied,(1) in the waters round Britain for at least ten months before the proclamation of their "total blockade." Equally, as will be seen from this paper, now that the "total blockade" has been proclaimed, they habitually make illegal attacks on ships outside as well as inside its area. There can be little doubt, indeed, that the frequency of such attacks is controlled by tactical and material considerations, but certainly not by the fact that the Germans themselves have chosen to limit the area of their blockade. Just as, at the beginning of the war, the range of German attacks was to some extent controlled by the position of their bases, and as it was extended by the acquisition of bases further west and south, so it might be expected to extend in the future, even across the Atlantic, if the Germans were to acquire suitable bases. One may perhaps discount Hitler's announcement as a statement of immediate policy, for it is, in fact, a description of what the Germans, so far as they were able, have already been doing almost from the beginning of the war; but it is none the less worth remembering against the background of the possibilities which might be developed in a German-controlled future.

The German "total blockade," which was proclaimed on the 17th August, 1940, is not strictly a blockade at all. A blockade by definition must be "effective," that is to say, it must be maintained by a force sufficient really to prevent access to the enemy's coast. Not even the Germans themselves can claim this for their blockade of Britain. The "total blockade" is, in fact, analogous with the German proclamations of February 1915 and January 1917. The former of these declared the waters surrounding the United Kingdom a military area, in which all Allied merchant vessels would be destroyed, irrespective of the safety of the lives of passengers and crew, and in which neutral shipping would be exposed to similar danger in view of the uncertainties of naval warfare; and the latter proclaimed that all sea traffic would be prevented in certain prescribed zones round the Allied coasts, and that neutral ships would navigate these zones at their own risk. Similarly, the proclamation of the 17th August, 1940, warned neutrals that all waters round England had become an operations area, and that navigation in this area consequently involved danger of destruction for neutrals, for which the German Government disclaimed responsibility. Further, the Germans appear to base their claim to the right to enforce this measure on the ground of their

(1) "Allied" in this paper includes British.

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right to retaliate for alleged breaches of the rules of warfare by Britain, and not on the rights generally recognised to accrue to a belligerent as a consequence of an effective blockade.

The legitimacy of the "total blockade" should be judged therefore not upon the basis of the rules applicable to a true blockade, but rather as a factor in the proclamation of a "war zone." In this connexion the following points become relevant :—

1. To what extent are the grounds for retaliation alleged by Germany valid? The only accusations upon which even the Germans appear to lay any weight are, first, that the British sought to enforce the "hunger blockade" against Germany, and, secondly, that the British navicert system is illegal, and that neutrals who comply with it are committing an unneutral act.

As regards the first accusation, it may suffice to quote Bismarck (as we did to the United States Government in 1915). Referring to the treatment of rice as contraband of war by belligerents in Chinese waters in 1885, a measure which incidentally interfered with German commercial interests, Bismarck said : "The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships." It is clear, therefore, that, quite apart from the fact that the stoppage of all food-stuffs is an admitted consequence of any blockade, Bismarck regarded a so-called "hunger blockade" as a justifiable measure. In fact, of course, the Germans themselves from the very beginning of the war have made no distinction between combatants and non-combatants, and certainly in Germany to-day there is no clear division between those whom the Government is responsible for feeding and those whom it is not. The Germans cannot have it both ways. If they consider themselves justified in destroying the lives and property of civilians in towns and cities, and in killing merchant seamen, then surely we must be at liberty to prevent cargoes of food-stuffs from entering German-controlled ports.

As regards the second accusation, the Germans have never succeeded in making clear exactly why they regard the navicert system as an illegal measure on Britain's part. This is perhaps hardly surprising, since it is a method of control which is compulsory only in the sense that neutrals who do not comply with it may have to suffer whatever consequences we are in a position to enforce. As far as neutrals are concerned, the argument apparently runs that by submitting to it the neutrals are helping one belligerent, and thus neglecting their duty of impartiality. The answer to this seems to be that the duties of neutrals are defined by The Hague Conventions, in which there is nothing to forbid neutrals submitting to such a measure of control as is provided by the navicert system. No one has ever suggested that they would not just as willingly submit to a German navicert system, if the Germans could produce one that was workable, instead of sinking neutral ships without warning, or occupying neutral territories. In any case, so far as neutrals are concerned, the advantages derived from the system by the British are merely incidental to the advantage gained by neutrals in not having to submit to contraband control on the high seas.

If these arguments are accepted, it follows that the main grounds relied upon by the Germans to justify a retaliatory measure are totally inadequate.

2. Even if it were possible to justify a retaliatory measure, can this particular measure be justified? The overriding principle governing all reprisals the effect of which is not confined to the enemy is that the reprisals must not inflict upon neutral States a degree of hardship and inconvenience which is unreasonable in all the circumstances. The effect of the German "total blockade" is to prohibit neutral ships from entering an enormous stretch of sea round Britain (the area extends to about 500 miles west of Ireland, and from the latitude of Bordeaux to that of the Faroe Islands), upon pain of having their ships sunk without warning and their crews killed. As a matter of fact, at least thirty-two neutral ships, exclusive of those sailing in British convoys, have been sunk by enemy action since the declaration of the "total blockade." Details are not available in most cases, but there can be little doubt that the majority of these attacks were carried out without warning, and the death-roll is known to be several hundreds. Thus, apart from the effect on neutral trade, the German blockade inflicts upon neutral subjects a wholly disproportionate amount of suffering.

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3. Even if the "total blockade" were in itself a justifiable measure, the Germans use wholly illegal means in carrying it out. The German proclamation says nothing about sinking merchant ships without warning. Yet, though information is lacking in very many cases, details are available to prove that, during the period under review, at least thirty-eight Allied merchant ships, exclusive of those in convoys, have been torpedoed without warning in or near the "total blockade" area.

That the Germans themselves have no exaggerated regard for the area is proved by the fact that of the thirty-eight ships referred to at least sixteen were torpedoed outside the limits of the war zone.

The development of enemy tactics in the war on shipping is a theme outside the scope of this paper, but two aspects of the matter may perhaps be mentioned. The first is the increase in the proportion of torpedo attacks without warning to gunfire attacks by submarines on the surface. Whereas for the first twelve months the ratio was rather under 3:1, for the last six months it is approximately 8:1. Whatever may be the factors which contribute to this increase, the result must be that in many more cases the last shreds of legitimacy are torn from enemy submarine attacks. Not even the Germans can advance the excuse that they were entitled to sink a ship on account of her persistent refusal to stop, if she has never had a chance of seeing the submarine.

The deplorable consequences of this type of warfare have been illustrated so often that they have almost become a commonplace. It is only when people's consciences are shocked by what seems a particularly brutal attack that it is realised how deplorable they are. The sinking of the *City of Benares* on the 17th September, 1940, is a good example of this. The *City of Benares* was an 11,000-ton liner with 191 passengers on board, including nearly 100 children. She was torpedoed without warning just outside the "war zone," with the loss of 258 lives, including seventy-seven children. It was blowing a gale, with hail and rain squalls and a very rough sea when the torpedo struck her at about 10 P.M. In the darkness and owing to the prevailing weather conditions, at least four of the twelve boats lowered were capsized. Others were swamped and many people were washed right out of them. In one boat alone 16 people, including 11 children, died from exposure; in another 22 died, including 15 children, in a third 21 died. The point to be emphasised is not the unusual brutality of this attack but rather that such results are inevitable when a belligerent disregards the rules of sea warfare as the Germans have done and are doing. Probably the commander of the U-boat did not know, when he fired his torpedo, that there were children on board the *City of Benares*. It may be that he did not even know the name of the ship, although there is strong evidence that he must have been dogging her for some hours before torpedoing her. What he must have known, however, was that this was a large merchant ship, probably with civilian passengers on board, certainly with a crew of merchant seamen. He knew the state of the weather, and he knew that they were 600 miles from land. Yet he followed them outside the blockade area and deliberately abstained from firing his torpedo until after nightfall, when the chances of rescue would be enormously diminished. The enemy cannot disclaim responsibility for the results of such attacks, any more than he can disclaim responsibility for attacks like that on the *Severn Leigh*, which was first torpedoed without warning and then shelled with shrapnel by the submarine while the crew were trying to abandon ship. At least eight of the crew were killed by the shell-fire, and nineteen died as a result of exposure during a thirteen days' voyage in an open boat. Five others, including the ship's cook, were left on a raft with only one biscuit and a small bottle of water between them. They were several times washed off the raft by the rough seas. Two of the five died and were thrown overboard. Two others died later. A fortnight after the sinking of the *Severn Leigh*, the raft was found with the two decomposed bodies and the cook still alive.

There are hundreds of similar stories, stories of voyages for days in open boats in Atlantic gales, of men in the water clinging for hours to a raft and gradually dropping off one by one, of crews being machine-gunned as they tried to lower their boats or as they drifted away in them, of seamen being blown to pieces by shells and torpedoes and bombs. The enemy must know that such things are the inevitable results of the type of warfare he has chosen to employ.

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The second development of enemy tactics which may be briefly referred to is the increased use of aircraft against merchant ships. It is true that the German Prize Ordinance applies only to naval vessels, but it is a well-established rule of law that merchant ships should not be sunk without being first summoned to surrender, and an attack without such a summons must be as illegal for aircraft as for warships. The Germans have never attempted to conform to the rules of war in this respect. Their attacks on merchant shipping from the air have never regarded whether the ship was a neutral or a belligerent, whether it was convoyed by warships or not, whether it was armed or whether it was an unarmed trawler actually engaged in fishing. In almost every attack the aircraft have used their machine guns or cannon, as well as bombs. It is obvious that these machine-gun attacks, which can do little damage to the vessel, must be primarily directed against the crew. It is true that most Allied vessels are now fitted with defensive armament against aircraft, but this was not so until some hundreds of attacks had been made on unarmed vessels.

In all, during the six months from September 1940, some 290 Allied vessels have been sunk by enemy action when not in convoy. The loss of life is approximately 2,500.(2) The Führer's announcement that unconvoyed as well as convoyed ships will in future be torpedoed is therefore not exactly news. The avowed aim of the Germans, as announced by Admiral Raeder on the 28th January, 1941, is to cut off mercilessly British imports and destroy Britain's power to live. The same speaker referred to the German war on merchant shipping as a "heroic struggle." Other Germans, U-boat commanders and aircraft pilots have described with relish how they singled out their unsuspecting victims, carefully choosing those of the largest size. We may be forgiven for failing to see anything very heroic in the torpedoing of the *City of Benares*, or the sinking of the *Severn Leigh*, or of the hundreds of other merchant vessels, from the *Athenia* down to a Faroese fishing smack with a crew of seven. Even the German officers who gloat over their successes do not make much pretension to heroism. One of them compared his work to that of a wolf among a flock of sheep. The comparison is the enemy's, as the choice of warfare was his: and it is surely right that these facts should be put on record.

ROGER ALLEN.

Foreign Office, March 10, 1941.

(2) This figure is only for British seamen's lives lost during the six months; it refers to convoyed as well as unconvoyed ships.

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D - 641 -/c

Uebersetzung

Handelsabteilung

Admiralitaet,

London, S.W. 1.

Versenkungen durch U-Boote waehrend des Kriegss.

1939 - 1945.

2, 775 Britische, Alliierte und Neutrale Seefahrzeuge von insgesamt 14, 572, 435 Brutotonnen.

Ich, Kapitaen (S) Reginald Patrick M A C K E N Z I E , R.N. (i.R.) Vorstand des statistischen Bueros der Handelsabteilung der Admiralitaet, bestaetige hiermit die Wahrheit und Richtigkeit obiger Ziffern gemaess der Information und den Aufstellungen, die sich in der Admiralitaet befinden.

(gez.) R.P. M A C K E N Z I E

27.12. 1945 Captain,(S) R.N.

B 039112

4098 - /L.

Translation

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D - 641 a

Auszuege aus einer amtlichen Denkschrift des Auswaertigen Amtes betreffend

Deutsche Angriffe auf Frachtdampfer vom 3. Sept. 1939 bis 1. Sept. 1940.

Nach 12 Kriegsmonaten scheint es angemessen, auf den Verlauf des Seekrieges, soweit es die alliierte und neutrale Handelsschiffahrt anbelangt, zurueckzublicken. Man muss zu dem unvermeidlichen Schluss kommen, dass es kein Gebiet der Kriegsfuehrung gibt, in dem britische und deutsche Methoden in groesserem Gegensatz stehen.

Waehrend der ersten 12 Kriegsmonate wurden 2,081,062 Tonnen von alliierten+ Schiffen, mit insgesamt 508 Schiffen durch Feindeinsatz versenkt. Dazu kommen noch 769 213 Tonnen von neutralen Schiffen, insgesamt 253 Schiffe, die auch versenkt wurden. Beinahe alle diese Handelsschiffe wurden von U-Booten, Minen, Flugzeugen oder Kriegsschiffen versenkt und die meisten von ihnen sanken, waehrend sie sich auf einer gesetzmaessigen Handelsfahrt befanden. 2836 alliierte Handelsmatrosen haben dabei ihr Leben verloren. Waehrend des letzten Krieges war die Handlungsweise der Zentralmaechte so weit von dem ueblichen Gebrauch entfernt, dass man es fuer notwendig hielt, die Kriegsregeln mit besonderer Beruecksichtigung, der U-Boote erneut festzusetzen. Dies tat man im Londoner Vertrag des Jahres 1930 und im Jahre 1936 stimmte Deutschland diesen Bestimmungen bei. Die Bestimmungen lauten wie folgt:

1. "In Zwischenfaellen mit Handelsschiffen muessen U-Boote sich an dieselben Regeln des internationalen Rechts halten, die fuer Fahrzeuge gelten, die s ich auf dem Wasser bewegen."

2. "Besonders darf ein Kriegsschiff, gleichgültig ob U-Boot oder nicht, kein Handelsschiff versenken oder ausser Betrieb setzen ohne vorher die Passagiere, Mannschaft und Schiffspapiere in Sicherheit gebracht zu haben, es sei denn, dass das Handelsschiff sich bestaendig weigert auf Verlangen anzuhalten oder einer Besichtigung und Untersuchung aktiven Widerstand leistet. Zum Zwecke der Bergung sind die Rettungsboote nicht als ein Sicherheitsort zu betrachten, es sei denn, dass die Sicherheit der Passagiere und Mannschaft durch die vorherrschenden See- und Wetterverhaeltnisse, durch die Naehe von Land oder durch die Gegenwart eines anderen Schiffes, das sie aufnahmen kann, gesichert ist."

Am Anfang des gegenwaertigen Krieges gab Deutschland Prisenbestimmungen fuer den Krieg zur See und fuer das Verhalten seiner Schiffs-Offiziere heraus. Artikel 74 dieser Bestimmungen enthaelt die U-Boote-Verordnungen des Londoner Vertrages. Artikel 72 bestimmt jedoch, dass gekaperte Feindschiffe vernichtet werden duerfen, wenn es unsicher erscheint, die Prise in einen Hafen zu bringen, und Artikel 73, Abs. (i) und (ii) legt dieselben Bestimmungen fuer neutrale Fahrzeuge dar, die sich in einen feindlichen Geleitzug befanden, oder wegen Widersetzung und Feindhilfe gekapert wurden. Diese Bestimmungen sind gewiss nicht mit der traditionellen Britischen Ansicht vereinbart, aber es ist wichtig, zu bemerken, dass selbst in diesen Faellen die Prisenbestimmungen das Kapern des Handelsschiffes vor seiner Vernichtung vorsehen. Mit anderen Worten, haetten die Deutschen sich an ihre eigenen Prisenbestimmungen gehalten, so haetten wir vielleicht mit ihnen ueber feine legalistische Punkte disputiert, aber wir haetten nichts dagegen einzuwenden gehabt, sowohl vom gesetzmaessigen als auch vom humanen Standpunkt aus. Es ist jedoch nur allzu klar, dass beinahe von Anfang des Krieges an die Deutschen ihre eigenen Grundsaetze ausser Acht liessen und den Krieg mit einer immer groesseren Verachtung des Voelkerrechts fue hrten, und mit einer Verachtung fuer was letzten Endes Bestimmung jedes Gesetzes ist, naemlich der Schutz von Menschenleben und Eigentum gegen willkuerliche und gewaltsame Angriffe.

Es scheint jetzt vielleicht angemessen, die deutschen Angriffe unter verschiedenen Punkten zu betrachten.

A. Angriffe

4179 - /L.

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H3711 - 0016

A: Angriffe auf Neutrale.

Unsere Belege sind hier notwendigerweise skizzenhaft und unvollstaendig. Obwohl 253 neutrale Schiffe versenkt wurden, sind fuer beinahe die Haelfte dieser Zahl genuegend Tatsachen bekannt, um sich eine Meinung ueber die legale oder illegale Angriffsweise zu bilden. Es ist mit Sicherheit anzunehmen, dass fast alle Versenkungen nach dem ersten Kriegsmonat ungesetzmaessig waren mit der Ausnahme derjenigen, die in britischen Geleitzuegen stattfanden, eine Zahl von insgesamt 5 fuer das ganze Jahr. Man kann jedoch mit Sicherheit sagen, dass in mindestens 50 Faellen von U-Bootangriffen und in mehr als 20 Faellen von Flugzeugangriffen ein erstklassiger Beweis fuer Ungesetzmaessigkeit gegeben werden kann. Was Minen anbetrifft, so ist bekannt, dass 79 neutrale Schiffe hierdurch versenkt wurden. In diesen Faellen ist der Tatsachenbeweis natuerlicherweise noch unvollstaendiger als bei den Versenkungen durch U-Boote. In den ersten Faellen ist es beinahe unmoeglich, zu beweisen, ob eine Mine, die explodierte, britischen oder deutschen Ursprungs war. Die groesste Zahl neutraler Schiffe, die durch Minen versenkt wurden, gingen in den Hauptschifffahrtsstrecken des britischen Handels verloren und in der Umgebung, wo britische Schiffe gewoehnlich versenkt wurden. Es hat deshalb nicht den Anschein, dass diese Minen britischen Ursprungs waren. Waehrend des ersten Kriegsmonats hielten deutsche U-Boote eine Anzahl von neutralen Fahrzeugen, gewoehnlich in der Ostsee und ihren Einfahrtswegen an und versenkten sie, nachdem ein ordentliches Warnungssignal gegeben wurde und nachdem Vorkehrungen fuer die Sicherheit der Mannschaft getroffen wurden. Unter solche Versenkungen zaehlen die der schwedischen Dampfer "Nyland" und "Silesia", der finnische Dampfer "Martti Ragnar" und "Walma", und des norwegischen Dampfers "Jern" usw. Obwohl diese Versenkungen dem britischen Standpunkt gemaess illegal waren, so kann man diese Versenkung nach der deutschen Prisenbestimmung als berechtigt ansehen; es handelt sich hier jedoch um weniger als ein Dutzend Faelle.

Am 30. September 1939 fand die erste Versenkung eines neutralen Schiffes durch ein U-Boot statt, ohne dass ein Warnungssignal gegeben wurde. Hierbei kamen Menschen ums Leben. Es handelte sich um das daenische Schiff "Vendia", das sich mit einer Ladung nach Clyde befand. Das U-Boot feuerte zwei Geschosse und torpedierte das Schiff kurz danach. Der Torpedo wurde abgeschossen, nachdem der Kapitaen des Schiffes bereits Signal gegeben hatte, dasser sich den Befehlen des U-Bootes unterwerfen wuerde und ohne dass man Gelegenheit hatte, das Schiff zu verlassen. Im November fingen die U-Boote an, neutrale Schiffe ohne Warnung zu versenken. Dies wurde allgemeiner Gebrauch. Am 12. November wurde der Norweger "Arne Kjoede" in der Nordsee ohne Warnung torpediert. Es handelte sich um einen Tanker, der von einem neutralen Hafen in einen anderen fuhr. Der Kapitaen und 4 Mitglieder der Mannschaft verloren ihr Leben und die Ueberlebenden wurden nach vielen Stunden in einem offenen Boot aufgefunden. Von dieser Zeit an hat man nicht nur vernachlaessigt, die Art der Ladung zu ermitteln, sondern man kann auch eine immer groesser werdende Ruecksichtslosigkeit fuer das Schicksal der Mannschaft bemerken. / I.

B: Angriffe auf alliierte Handelsschiffe.

1. U-Boote und Kriegsschiffe.- Man muss den Unterschied zwischen der deutschen und britischen Ansicht in der Frage der Gesetzmaessigkeit der Vernichtung von gekaperten Schiffen im Auge behalten, wenn man die gesamte Anzahl der ungesetzmaessigen Versenkungen zusammenrechnet. In einer gewissen Anzahl von Faellen, zu Beginn des Kriegsausbruches gestattete der deutsche Kommandant der Mannschaft des Handelsschiffes, sich vom Schiff zu entfernen und traf sogar gewisse Massnahmen vor der Vernichtung fuer

die

039114

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die Mannschaft. Diese Vernichtungen waren im Einklang mit Artikel 72 der Prisenverordnung, und deshalb hat man im Rahmen dieses Memorandums den Deutschen in diesen Faellen die guenstigere Auslegung gegeben. II.

Die folgenden Zahlen befinden sich in unseren Urkunden:

Versenkte Schiffe	241
Angriffe, die berichtete wurden	221
Ungesetzmaessige Angriffe	112

(Mindestens 79 von diesen 112 Schiffen wurden ohne Warnung torpediert. Schiffe in Geleitzuegen sind hier natuerlich nicht einbegriffen.) III.

Gegen Mitte Oktober sanken die Unterseeboote, Frachtschiffe ohne Ruecksicht auf die Sicherheit der Mannschaften. Jedoch vier Monate spaeter behaupteten die Deutschen, immer noch offiziell, dass sie im Einkla der Prisenverordnung handelten. Ihre eigenen halboffiziellen Berichterstatter jedoch haben die Lage klarer gebracht. Was Neutrale anbetrifft, so erklaerten die offiziellen Stellen anfangs Februar, dass jedes neutrale Schiff, das entweder freiwillig oder unter Zwang nach einem feindlichen Hafen faehrt, - einschliesslich Haefen zur Kontrolle der Ladung, - dadurch seine Neutralitaet verliert und als feindlich betrachtet werden muss. Ende Februar liess man die Katze durch eine Mitteilung aus dem Sack, dass ein neutrales Schiff, das einen Kontrollschein (navice) vom britischen Konsul erhalten hat um zu vermeiden, dass es eine englische Warenkontrollstation anzulaufen hat, von deutschen Unterseebooten versenkt werden koennen, selbst wenn es von einem neutralen Hafen zum anderen unterwegs war. Was alliierte Schiffe anbetraf, so gab Berlin Mitte November 1939 eine Warnung gegen das Bewaffnen englischer Schiffe heraus. Bis zu diesem Zeitpunkt waren etwa 20 englische Frachtschiffe ungesetzlich durch Kanonenfeuer oder Torpedos von Unterseebooten angegriffen worden, und nach diesem Zeitpunkt wurden etwa 15 weitere unbewaffnete alliierte Schiffe ohne Warnung torpediert. Es ist daher klar, dass die Bewaffnung als eine Verteidigungsmassnahme nicht nur voll gerechtfertigt war, sondern, dass weder vor noch nach dieser deutschen Drohung die deutschen Unterseeboote einen Unterschied zwischen bewaffneten und unbewaffneten Schiffen machten. IV

Zusammenfassend zeigt die Pruefung des Beweismaterials, eine schnelle Entartung der deutschen Seekriegsmethoden und ein staendiges Ansteigen der Gesetzlosigkeit und der Unmenschlichkeit. Tatsaechlich kann man natuerlich das Ziel der Deutschen in einem Wort ausdruecken: Terrorisierung. Ob die Schuld an den Unterseebootkommandeuren lag, die immer nervoeser wurden, da sie wussten, dass sie von der koeniglichen Marine gehetzt wurden, oder ob es an den Nazis im Mutterlande lag, deren einziges Ziel es war, die neutrale und alliierte Schiffahrt durch verbrecherische Methoden gaenzlich von den Meeren zu verjagen, kann man unmoeglich mit Sicherheit sagen. Gewiss ist, dass lange vor dem Ende des 1. Kriegsjahres die Deutschen sehr weit von den Prinzipien, die sie in ihrer Prisenverordnung niedergelegt haben, abgewichen sind. Wenn man die deutschen Methoden mit dem englischen System der Warenkontrollstationen und Kontrollscheinen vergleicht, dann wird der Unterschied zwischen der deutschen und der englischen Haltung in vollem Umfange klar. Wie laestig neutrale Laender unser System auch finden moegen, es laesst wenigstens ihre Schiffe unversehrt und ihre Mannschaften am Leben, anstatt die Schiffe auf den Meeresgrund zu schicken und die Mannschaften vielleicht 2000 Meilen vom Land einem atlantischen

Sturm

4181 -/L.

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Sturm auszusetzen. Der grundsaetzliche Unterschied zwischen den beiden Methoden ist, dass die eine den genau festgelegten und ausgedrueckten gesetzlichen Grundlagen entspricht, waehrend die andere kein anderes Prinzip als dass der Zweckdienlichkeit kennt. Wie der Berliner Wortfuehrer, der das Recht in Anspruch nahm, neutrale Schiffe mit Kontrollscheinen (navicert) zu versenken, bemerkte: "Wir werden die englische Blockade auf eine oder die andere Weise sprengen." Auf eine oder die andere Weise: das ist die Stimme des Banditen.

4182 -/L.

B 039116

H3711 - 0019

D - 641 - b

Auszuege aus einer amtlichen Denkschrift des Auswaertigen Amtes betreffend Feindliche Angriffe auf die Handelsschiffahrt vom 1. Sept. 1940 bis 28. Februar 1941.

Am 30. Januar 1941 erklaerte Hitler, dass "jedes Schiff mit oder ohne Geleit, das vor unseren Torpedorohren erscheint, torpediert wird." Oberflaechlich gesehen, scheint diese Erklaerung kompromisslos zu sein, und die einzige aus dem Zusammenhang hervorgehende Auslegung ist, dass die unmittelbar vorhergehenden Drohungen im Besonderen an die Voelker des amerikanischen Kontinents gerichtet sind. Deutsche Stimmen versuchten indessen, diesen Eindruck abzuschwaechen, indem sie behaupteten, Hitlers Erklaerung bezoege sich nur auf solche Schiffe, die den Versuch machten, in mutmaesslich unter deutscher "Totalblockade" stehende Gebiete einzudringen.

Von einem Gesichtspunkt aus gesehen, macht es wahrscheinlich wenig aus, was Hitler eigentlich damit gemeint hat, da die einzige Schlussfolgerung, zu der man bei einem Studium der feindlichen Kriegsfuehrung gegen die Handelsschiffahrt gelangen kann, ist, dass die diesbezueglichen Feindhandlungen sich niemals in den Grenzen der angekuendigten Grundsaetze halten, sondern durch gegebene Gelegenheiten (oder das Fehlen von solchen) bedingt werden. Wie durch ein vorhergehendes diesbezuegliches Schriftstueck erwiesen wurde, haben die Deutschen in aeusserster Missachtung nicht nur des internationalen Rechtes, sondern auch der Regeln ihrer eigenen Beuteordnung, regelmaessig sowohl neutrale als auch alliierte Handelsschiffe in britischen Gewaessern mindestens 10 Monate vor der Verkuendigung ihrer "Totalen Blockade" versenkt.

Gleichfalls haben sie, wie man aus diesem Dokument ersehen kann, jetzt, wo die "Totalblockade" proklamiert worden ist, gewohnheitsmaessig ausserhalb sowohl als innerhalb ihres Gebietes Schiffe illegal angegriffen. Es kann wenig Zweifel bestehen, dass die Haeufigkeit solcher Angriffe von taktischen und materiellen Erwaegungen abhaengt und nicht von der Entscheidung der Deutschen, ihr Blockadegebiet zu begrenzen. /I.

Die Auswirkung der deutschen "Totalblockade" soll neutrale Schiffe von der Einfahrt in eine ungeheure Meeresflaeche im Raume Grossbritanniens abhalten (die Flaeche erstreckt sich etwa 500 Meilen westlich Irlands und vom Breitengrad von Bordeaux zu dem der Faroe Inseln) unter der Drohung, dass die Schiffe ohne Warnung versenkt und die Mannschaften getoetet werden. In der Tat wurden mindestens 32 neutrale Schiffe, ausschliesslich solcher in britischen Geleitzuegen, seit der Verkuendung der "Totalblockade" durch Feindhandlungen versenkt. Einzelheiten sind in den meisten Faellen nicht vorhanden, aber es kann wenig Zweifel bestehen, dass die Mehrzahl dieser Angriffe ohne vorherige Warnung vorgenommen worden ist und dass viele Hunderte dabei ums Leben kamen. /II.

Selbst wenn die "totale Blockade" als solche sich rechtfertigen liesse, so sind doch die Mittel, die von den Deutschen zu ihrer Durchfuehrung angewendet wurden, vollkommen widerrechtlich. Die deutsche Ankuendigung sagt nichts darueber, dass Kauffahrteischiffe ohne Warnung versenkt werden sollen. Es sind aber, obwohl Nachrichten in vielen Faellen fehlen, genuegend Umstaende bekannt, die beweisen, dass waehrend der fraglichen Zeit mindestens 38 alliierte Handelsschiffe ohne Warnung in der "total blockierten" Zone oder in ihrer Nache torpediert worden sind, abgesehen von den in Geleitzuegen fahrenden Handelsschiffen. Dass die Deutschen selbst nicht uebermaessig Ruecksicht auf die Art der Zone nehmen, geht daraus hervor, dass von den 38 erwaehnten Schiffen mindestens 16 ausserhalb der Kriegszone torpediert worden sind.

Die Entwicklung

4093 -/L.

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H3711 - 0020

Die Entwicklung der feindlichen Taktik in dem Krieg gegen die Schiffahrt ist ein Thema, das den Rahmen dieser Abhandlung ueberschreitet, aber nach zwei Richtungen hin ist sie vielleicht doch erwaehnenswert. Die erste ist die Zunahme von Torpedierungen ohne Warnung im Verhaeltnis zu Beschiessungen mit Kanonen durch aufgetauchte Unterseeboote. Waehrend der ersten 12 Monate war das Verhaeltnis eher geringer als 3:1, dagegen war es in den letzten 6 Monaten etwa 8:1 . Gleichgueltig, welchen Gruenden dieses Anwachsen zuzuschreiben ist, das Ergebnis ist das gleiche, naemlich, dass in vielen weiteren Faellen der letzte Schein von Rechtmaessigkeit den feindlichen Unterseebootsangriffen entrissen ist. Nicht einmal die Deutschen koennen auf die Rechtfertigung zurueckgreifen, dass sie zur Versenkung berechtigt waren, wenn ein Schiff sich beharrlich weigerte, anzuhalten, im Falle dass das Schiff gar keine Gelegenheit hatte, das Unterseeboot zu sehen. Die ungluckseligen Folgen dieser Art von Kriegfuehrung sind so oft beleuchtet worden, dass sie fast zum Gemeinplatz geworden sind. Nur wenn das Gewissen der Leute durch einen anscheinend besonders brutalen Angriff aufgeruettelt wird, dann erst merken sie, wie bedauernswert diese Folgen sind. Die Versenkung der "City of Benares" am 17. September 1940 ist ein gutes Beispiel dafuer. Die "City of Benares" war ein 11000 Tonnen-Dampfer mit 191 Passagieren an Bor darunter fast 100 Kinder. Sie wurden knapp ausserhalb der"Kriegszone" ohne Warnung torpediert, und 258 Leute kamen um, darunter 11 Kinder. Als sie etwa um 10 Uhr abends von dem Torpedo getroffen wurde, herrschte schwerer Sturm mit Hagel- und Regenschauern und hochgehender See. Infolge des unguenstigen Wetters kenterten mindestens 4 von den 12 zur See gelassenen Rettungsbooten in der Dunkelheit. Einige andere waren ueberfuellt und viele Leute wurden einfach von ihnen heruntergeschwemmt. In einem Boot starben 16 Leute, darunter 11 Kinder, infolge der Entbehrungen, denen sie ausgesetzt waren; in einem anderen starben 22, darunter 15 Kinder, in einem dritten starben 21. Es ist nicht die aussergewoehnliche Brutalitaet dieses Angriffs, die betont werden muss, vielmehr die Tatsache, dass derartige Folgen unvermeidlich sind, wenn einer der Kriegfuehrenden das Recht des Seekrieges so missachtet, wie das die Deutschen getan haben und noch tun. Der Kapitaen des U-Bootes wusste vermutlich nicht, dass an Bord der "City of Benares" Kinder waren, als er das Torpedo abfeuerte. Er mag vielleicht nicht einmal den Namen des Schiffes gekannt haben, obwohl vieles dafuer spricht, dass er das Schiff stundenlang verfolgt hat, bevor er es torpedierte. Was er aber gewusst haben muss, ist, dass es ein grosses Handelsschiff war, welches wahrscheinlich Zivilpersonen als Passagiere an Bord und bestimmt eine Besatzung der Handelsmarine hatte. Er wusste, wie das Wetter war, und dass sie 600 Meilen vom Land entfernt waren. Dennoch verfolgte er das Schiff ausserhalb der Blockadezone und feuerte das Torpedo absichtlich nicht, bevor es dunkel war, das ist zu einer Zeit, als die Aussichten auf Rettung ganz ausserordentlich verringert waren. / III. kein Paragraph

Es gibt Hunderte aehnlicher Geschichten, Geschichten vom tagelangen Herumtreiben im offenen Boot in den Stuermen des Atlantik, von Maennern, die stundenlang sich an ein Floss klammern, und dann einer nach dem anderen loslassen muessen, von Besatzungen, die aus Maschinengewehren beschossen werden, waehrend sie versuchen, die Rettungsboote herunterzulassen, oder waehrend sie in diesen davon treiben, von Matrosen, die von Kugeln, Torpedos oder Bomben in Stuecke gerissen werden. Der Feind muss wissen, dass diese Dinge unvermeidliche Folgen der von ihm gewaehlten Art der Kriegfuehrung sind. / IV. Paragraph

Insgesamt sind waehrend der 6 Monate vom September 1940 an einige 290 Schiffe der Alliierten ausserhalb von Geleitzuegen durch feindliche Handlung versenkt worden. Die Verluste an Menschenleben betragen etwa 2.500(2). Die Ankuendigung des Fuehrers, dass in Zukunft Schiffe ausserhalb von Geleitzuegen torpediert werden wuerden, war daher nicht gerade eine Neuigkeit. Das Ziel, das die Deutschen sich gesetzt hatten, war, wie Admiral Raeder es am 28. Januar 1941 angekuendigt hatte, die englische Einfahrt ohne Erbarmen

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B 039118

H3711 - 0021

zu drosseln, und Englands Lebenskraft zu vernichten. Derselbe Redner nannte den deutschen Kampf gegen die Handelsschiffahrt einen "heroischen Kampf", Andere, und zwar U-Bootkapitaene und Flieger, fanden Genuss daran, zu beschreiben, wie sie sich ihre ahnungslosen Opfer aussuchten und wohlbedacht die groessten auswaehlten. Man wird uns wohl vergeben muessen, wenn wir nichts Heroisches an der Torpedierung der "City of Benares" sehen koennen oder an der Versenkung der "Severn Leigh", oder Hunderter anderer Handelsschiffe von der "Athenia" angefangen bis zu dem Fischerboot aus den Faeroer mit seiner Mannschaft von 7 Leuten. Sogar die deutschen Offizier die sich an ihren Erfolgen weiden, erheben keinen grossen Anspruch auf Heroismus. Einer unter ihnen hat seine Arbeit mit der eines Wolfes in einer Herde Schafe verglichen. Dieser Vergleich stammt von unserem Feinde, wie auch die Wahl der Art seiner Kriegfuehrung. Es ist daher sicherlich nur recht und billig, wenn diese Tatsachen festgehalten werden.

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(2) Diese Zahl bezieht sich nur auf Verluste unter den englischen Seeleuten waehrend dieser 6 Monate und zwar auf geleiteten wie ungeleiteten Schiffen.

B 039119

H-3711

INTERNATIONAL MILITARY TRIBUNAL

D. 641.
a-b-c

G. B. EXHIBIT
No. 191

B 039099

20

D641
H3711 - 0022

H3711-0023

20 pages.

510

H3711-0024

G. B. EXHIBIT

181